

LUTHERNA MAE PATTERSON,)	
)	
Plaintiff,)	
)	
vs.)	Case number 4:08cv0689 TCM
)	
DIERBERG'S MARKETS, INC.,)	
et al.,)	
)	
Defendants.)	

This employment discrimination case is before the Court on a pleading filed by plaintiff, Lutherna Mae Patterson, asking for the appointment of counsel and attaching correspondence evidencing her unsuccessful attempt to retain such. [Doc. 38]

"Indigent civil litigants do not have a constitutional or statutory right to appointed counsel." **Davis v. Scott**, 94 F.3d 444, 447 (8th Cir. 1996). Plaintiff has not alleged that she is indigent; indeed, her attached correspondence indicates a willingness to pay a retainer to counsel. Aside from the question of indigency, however, the consideration of other factors militates against the appointment of counsel. These factors include whether Plaintiff has presented non-frivolous allegations, whether she will substantially benefit from the appointment of counsel, whether there is a need to investigate further and present the relevant facts; and whether the legal and factual issues are complex. **Id.**; **Swope v. Cameron**, 73 F.3d 850, 851-52 (8th Cir. 1996).

Plaintiff alleges in her suit against her former employer, labor union, and associated individuals that she was unfairly terminated based on false accusations that she was rude to a customer. Based on the issues presented by this claim and after considering the above-listed factors, the Court declines to appoint Plaintiff counsel.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for appointment of counsel is **DENIED** without prejudice. [Doc. 38]

Thomas C. Mummert, III
THOMAS C. MUMMERT, III
UNITED STATES MAGISTRATE JUDGE

Dated this 13th day of August, 2008.